

Item # _____

Prepared by: Debbie Stamson
County Clerk

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING A REVISED INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF MEMPHIS FOR THE COLLECTION OF BUSINESS TAX LICENSING FEES; AND THIS ITEM IS A FEE GENERATING AGREEMENT. SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, The County Clerk presently issues the annual license and collects the annual privilege tax due the State of Tennessee and her fees for business tax licensing in Shelby County as provided in the Business Tax Act of 1971, T.C.A. § 67-4-101 et seq.; and

WHEREAS, State law, as codified in T.C.A. § 12-9-101 et seq., and more specifically T.C.A. § 12-9-108, provides that a public agency of this state may contract with another public agency to perform any governmental service which each public agency is authorized by law to perform; and

WHEREAS, The parties are public entities within the meaning of these laws and are desirous of entering into an Agreement setting forth the terms and conditions under which the Clerk will provide said services; and

WHEREAS, City of Memphis Charter § 781.1 authorizes the City to contract with the County for the collection of City license and privilege taxes and fees; and

WHEREAS, The City of Memphis and Shelby County Government on behalf of the County Clerk of Shelby County Tennessee currently have an agreement for the Clerk to collect on the City's behalf the annual business license and privilege taxes due the State of Tennessee; and

WHEREAS, The State of Tennessee has enacted new legislation which impacts the Current Agreement and necessitates an amendment to same; and

WHEREAS, The term of this Agreement is to be effective upon execution through June 30, 2010 with successive automatic one-year renewals unless terminated per the terms of the Agreement; and

WHEREAS, The County will retain a flat fee of \$7.50 per license issued on the City's behalf as its fee for these services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Revised Contract

with City of Memphis to collect the annual fees for the issuance of annual business license for the City of Memphis is hereby approved.

BE IT FURTHER RESOLVED, That proceeds from this Agreement be placed in account number 040 800 601 4615, County Clerk Fees.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforementioned contract on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

Joe Ford, Interim County Mayor

Date:_____

ATTEST:

Clerk of County Commission

ADOPTED_____

SUMMARY SHEET

I. Description of Item

This resolution approves a revised contract with the City of Memphis for the collection of the annual fees for the issuance of annual business license for the City of Memphis at the same time and place the Clerk issues the annual license and collects the annual privilege taxes due the State of Tennessee and the Clerk's fees for business tax licensing. On September 25, 2009, the City and the County entered into an Agreement for these services. Since, the State of Tennessee enacted new legislation which affected the current Agreement and makes necessary this revision. The County clerk will retain a flat fee of \$7.50 per license issued on the City's behalf as the fee for this service. The term of this Agreement is to be effective upon execution through June 30, 2010 with successive automatic one-year renewals unless terminated per the terms of the Agreement.

II. Source and Amount of Funding

This contract is a fee generating contract.

III. Contract Items

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| A. Type of Contract | Standard |
| B. Terms | to be effective upon execution through June 30, 2010 with successive automatic one-year renewals unless terminated per the terms of the Agreement |

IV. Additional Information Relevant to Approval of This Item

The County Clerk recommends approval of this resolution.